

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 458 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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Versus

THE MANAGING DIRECTOR

Appearance:

MR SK BUKHARI for Petitioner

MR P.A. MEHTA FOR MR KS NANAVATI for Respondent No. 1, 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 09/04/99

ORAL JUDGEMENT

The petitioner seeks a direction to treat his services as regular from 13.3.1980 and give benefit of seniority, promotion and salary etc. on that basis.

Initially the petitioner was appointed for 30 days as accounts clerk from 13.3.1980. Such a periodic appointment continued till 6.3.1981 on which date the petitioner was given a regular appointment. In view of

the decision of the Supreme Court in DELHI DEVELOPMENT HORTICULTURE EMPLOYEES' UNION VS. DELHI ADMINISTRATION reported in AIR 1992 SCA 789 in which similar claim of regularisation was rejected, the petitioner cannot claim to be regularised. His appointment from 13.3.1980 was purely temporary for a specified period conferring no right on him of a regular appointee. Merely because he has periodically worked on a temporary basis that by itself would create no right in his favour to seek a regular appointment from the date of his initial temporary appointment for a specified number of days. The petitioner has no right to be regularised from 13.3.1980. The employees similarly situated who later came to be regularised are also not given any regularisation with retrospective effect as has been made out in the affidavit in reply filed by the respondents. There is therefore no discrimination meted out to the petitioner. The petition is therefore rejected. Rule discharged with no order as to costs.

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